

IC 14-37-4

Chapter 4. Permits

IC 14-37-4-1

Permit required

Sec. 1. A person may not:

- (1) drill, deepen, operate, or convert a well for oil and gas purposes; or
- (2) conduct a geophysical survey;

without a permit issued by the department.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-2

Duties of owner or operator

Sec. 2. (a) An owner or operator:

- (1) shall comply with the conditions of a permit as determined by the department;
- (2) may not raise as a defense to an enforcement action by the department that compliance with the conditions of the permit constitutes an economic hardship;
- (3) shall correct adverse environmental impact that results from noncompliance with a permit; and
- (4) shall provide proper operation and maintenance for facilities, systems of treatment, and control and related appurtenances that are installed or used by the owner or operator to comply with the permit conditions.

(b) Proper operation and maintenance under subsection (a)(4) includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. Subsection (a)(4) requires the operation of backup or auxiliary facilities or similar systems only if necessary to comply with permit conditions.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-3

Permit not property right or exclusive privilege

Sec. 3. A permit does not convey to the owner or operator a property right or an exclusive privilege.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-4

Permit form

Sec. 4. A person must apply for a permit under this chapter on a form prescribed by the commission.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-5

Document accompanying permit application

Sec. 5. An application for a permit must include the following:

- (1) A plat of the land or lease upon which the well is to be

located, together with all property and lease lines and the acreage within the tract.

(2) The location of the proposed well as certified by a land surveyor registered under IC 25-21.5.

(3) The surface elevation of the proposed well and the method used for determining that elevation.

(4) The depth of the proposed well.

(5) The number and location of all other dry, abandoned, or producing wells located within one-fourth (1/4) mile of the proposed well.

(6) The distance from the proposed well to the three (3) nearest boundary lines of the tract.

(7) With respect to an application to drill within a city or town, a certified copy of the official consent by ordinance of the municipal legislative body.

(8) Other information determined by the commission that is necessary to administer this article.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-6

Bond and permit fee

Sec. 6. (a) A person must submit the following with an application for a permit:

(1) A bond under IC 14-37-6.

(2) A permit fee of one hundred dollars (\$100) payable to the department.

(b) Permit fees collected under this section must be deposited in the oil and gas fund established by IC 6-8-1-27.

As added by P.L.1-1995, SEC.30. Amended by P.L.48-2002, SEC.1.

IC 14-37-4-7

Operator's signature on permit

Sec. 7. An application must be signed by:

(1) the person; or

(2) an authorized agent of the person;

who is the operator named in the proposed permit.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-8

Permit issuance upon compliance with article and rules

Sec. 8. Except as provided in section 9 of this chapter, if an applicant for a permit complies with:

(1) this article; and

(2) the rules adopted under this article;

the commission shall issue a permit.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-9

Denial of permit

Sec. 9. The department may refuse to issue a permit if an applicant or an officer, a partner, or a director of the applicant:

- (1) is in violation of this article or would be in violation if the permit were issued; or
- (2) controls or has controlled a well for oil and gas purposes and has demonstrated a pattern of willful violations of:
 - (A) this article; or
 - (B) IC 13-8 (before its repeal);that have resulted in substantial damage to the environment indicating an intention not to comply with this article or IC 13-8 (before its repeal).

As added by P.L.1-1995, SEC.30.

IC 14-37-4-10

Permit continuance for non-Class II wells

Sec. 10. A permit for a well for oil and gas purposes, other than a permit for a Class II well or geophysical survey, continues until:

- (1) the well is plugged and abandoned;
- (2) the well is converted to another type of well for oil and gas purposes; or
- (3) the permit is revoked.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-11

Expiration of permit

Sec. 11. (a) A permit for a well for oil and gas purposes expires one (1) year from the date of issuance unless the drilling of the well has commenced.

(b) A permit for geophysical surveying expires one (1) year from the date of issuance.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-12

Permit continuance for Class II wells

Sec. 12. A permit for a Class II well continues until the well is plugged and abandoned, unless the permit is revoked, expired, or otherwise terminated.

As added by P.L.1-1995, SEC.30.

IC 14-37-4-13

Emergency permits

Sec. 13. (a) The director may issue an emergency permit for a well for oil and gas purposes if an imminent and substantial danger to the health of persons will result unless an emergency permit is granted. An emergency permit under this subsection is effective no longer than necessary to remove the danger.

(b) If a substantial and irretrievable loss of oil or natural gas resources will occur unless an emergency permit is granted, the director may issue an emergency permit for a well for oil and gas purposes if the following conditions exist:

- (1) Timely application for a permit could not practicably have been made.
- (2) Issuance of the permit does not violate a term of primary

enforcement authority for Class II wells.

(c) An emergency permit under subsection (b) is effective not longer than ninety (90) days from issuance. However, if a permit application is submitted before expiration of the ninety (90) day period, the director may, subject to IC 4-21.5, extend the emergency permit until final agency action on the application.

(d) The director may issue an emergency permit for a well for oil and gas purposes if:

(1) a substantial delay in the production of oil or natural gas resources will occur unless an emergency permit is issued for a new injection well; and

(2) the permit will not violate a term of primary enforcement authority for Class II wells.

An emergency permit under this subsection may be issued only after a completed permit application has been submitted and is effective only until a final determination is made by the department on that application.

As added by P.L.1-1995, SEC.30.